

REMARKS

Reconsideration of the present invention in view of the above amendments and the following remarks is respectfully requested.

Status of the claims:

Claims 1-30 are pending. Claims 15, 17, 20, 22, 23, and 25-30 have been allowed. Claims 1-3, 8-10, 16, 18, 19, 21, 24 have been rejected. Claims 4-7 and 11-14 have been objected to. Claims 1-3, 8-10, 18-19, and 24 have been cancelled herein. Claims 4 and 12 have been amended herein. New Claims 31-35 have been added herein.

Allowance of Claims 15, 17, 20, 22, 23, and 25-30:

The Applicant thanks the Examiner for the allowance of the above claims. The Applicant respectfully points out that the allowed claim 15 need not be limited by the requirement that "the cyclosiloxane be stabilized and be able to be used in a chemical vapor deposition process" as stated by the Examiner. In some embodiments, the cyclosiloxane can be stabilized by the free radical scavenger alone or in combination with one or more polymerization inhibitors disclosed within the application or known within the art. Further, while the application and the allowed claims recite stabilizing cyclosiloxanes for chemical vapor deposition processes, the present invention is not to be construed as being limited thereto. It is anticipated that the present invention may be suitable for other applications where a stabilized cyclosiloxane is needed.

Presentation of New Claims:

In the present office action, new claims 31-35 have been added. Claims 31-35 are being presented at this time to more completely cover a particular aspect of Applicants' invention. Further, it is submitted that new claims 31-35 raise no new issues and do not require the Examiner to conduct an additional search, since the claim merely clarifies the subject matter already presented. Support for claims 31-35 are found, for example, paragraphs [0013], [0014], [0017], and [0019].

Applicants respectfully request that the Examiner enter the above new claims.

Rejection Under 35 U.S.C. §112, ¶ 1:

Claims 3, 10, 16, 21, and 24 are rejected under 35 U.S.C. §112, ¶ 1 because the "[t]he Examiner cannot find support for the limitation "less than 1% (vol.)" in the specification." MPEP § 2163.06 provides that "if an application as originally filed contains a claim disclosing material not disclosed in the remainder of the specification, the applicant may amend the specification to include the claimed subject matter." Accordingly, Applicant as amended the specification at paragraph 18 to include "less than 1 % (vol.)". Withdrawal of the §112, ¶1 rejections is respectfully requested.

Rejections Under 35 U.S.C. §102(b)/ §103(a):

Claims 1, 2, 8, 9, 18, and 19 are rejected under 35 U.S.C. §102(b) "as being anticipated by JP 07-145179." These claims have been canceled herein. Therefore, withdrawal of the §102(b) rejections is respectfully requested.

Claims 3, 10, 21, and 24 are rejected under 35 U.S.C. §102(b) "as being anticipated by, or in the alternative, under §103(a) as obvious in view of JP 07-145179." Claims 3, 10, and 24 have been canceled herein.

With regard to Claim 21, Applicant traverses the rejection. For a prior art reference to be anticipatory, MPEP § 2131 provides that: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." Contrary to the Examiner's statement that all elements are disclosed in JP 07-145179, the element "free radical scavenger" is not; the rejection is unsupported by the art and should be withdrawn.

When evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. In this regard, the mere absence from the reference of an explicit requirement of the claim cannot reasonably be construed as an affirmative statement that the requirement is in the reference. *In re Evanega*, 829 F.2d 1110, 4 USPQ2d 1249 (Fed. Cir. 1987). Moreover, the Examiner in paragraph 6 of Paper 6 states that "[t]he prior art fails to provide adequate motivation to add a free radical scavenger to the composition in '179." Therefore, the rejection of claim 21 under §102(b), or alternatively under §103, in view of JP 07-145179 should be removed.

SUMMARY

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned Attorney at the telephone number listed below.

Respectfully submitted,



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attachments: Petition for a Two Month Extension of Time
PTO Form SB/22